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Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653-KRH

(Jointly Administered)

NOTICE OF SUBSTANTIVE HEARING
(Liquidating Trust's Fifteenth and Fourth Omnibus
Objections to Claim Numbers 9899 and 12152)
(Claimant – Bank of America/Capmark)

PLEASE TAKE NOTICE that Circuit City Stores, Inc. Liquidating Trust (the "Trust"), by counsel, of the above referenced estates of Circuit City Stores, Inc. *et al.* (collectively, the "Debtors") will seek to have the Court (a) expunge Claim No. 9899 as duplicative of Claim No. 12152 and (b) reduce Claim No. 12152 to a general unsecured claim in the amount of \$50,000.00. Each claim is further identified in the *Liquidating Trustee's Fifteenth and Fourth Omnibus Objection to Claims* (collectively, the "Claim Objection") [Docket Nos. 10053 and 10041]. The relief sought as identified herein is based upon information

received from you in response to the Claim Objection and/or the Debtors' books and records.

PLEASE TAKE FURTHER NOTICE THAT the Court will hold a hearing and receive evidence on the Claim Objection on **December 14, 2016 at 2:00 p.m.**, (or such time thereafter as the matter may be heard) and the undersigned will appear before The Honorable Kevin R. Huennekens, United States Bankruptcy Judge, in Room 5000, of the United States Courthouse, 701 E. Broad Street Richmond, Virginia 23219.

PLEASE TAKE FURTHER NOTICE THAT **the undersigned will present evidence, if necessary, on December 14, 2016 at 2:00 p.m., seeking to have the Court (a) expunge Claim No. 9899 as duplicative of Claim No. 12152; and (b) reduce Claim No. 12152 to a general unsecured claim in the amount of \$50,000.00.**

PLEASE TAKE FURTHER NOTICE THAT if you do not want the Court to grant the relief described herein, **you must (1) on or before December 9, 2016, file a (A) notice of your intent to attend the hearing and (B) summary of the position you will advocate at the hearing with the Court at:**

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street - Room 4000
Richmond, Virginia 23219

and (2) attend the hearing on December 14, 2016 at 2:00 p.m.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Dated: November 23, 2016

/s/ Paula S. Beran

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Counsel for the Circuit City Stores, Inc.

Liquidating Trust

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Substantive Hearing was served on November 23, 2016 via electronic delivery to all of the parties receiving ECF notice in this bankruptcy case and via first-class mail, postage prepaid, on the following:

Robert Edwards, Esquire
Polsinelli PC
900 W. 48th Place
Suite 900
Kansas City, MO 64112

Bank of America National Association as Successor
by Merger to LaSalle Bank National Association as
Trustee for the Registered Holders of the Morgan
Stanley Capital Inc Commercial Mortgage Pass
Through Certificates Series 1997 C1 c/o Capmark
Finance Inc. Peyton Inge
700 N. Pearl Street, Suite 2200
Dallas, TX 75201

Edwin H. Garrison, Esquire
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street, NE
Suite 2800
Atlanta, GA 30309-4528

Bank of America National
Association as Successor by Merger
to LaSalle Bank National
Association as Trustee for
the Registered Holders of the
Morgan Stanley Capital Inc
Commercial Mortgage Pass
Through Certificates Series
1997 C1
c/o Capmark Finance Inc
Joseph Orsatti
116 Welsh Road
Horsham, PA 19044

/s/ Paula S. Beran
Paula S. Beran (VA Bar No. 34679)